

# Approved 7.13.10

## **Minutes of Planning Commission**

June 8, 2010

Present: Richard Mais, Jack Smith, Todd Smallwood, Lois Twilley, Susan Klein, Winnie Lewis and Agnes DiPietrantonio

Absent: Phil Craig

Members of the Public Present: none

Subject: Comprehensive Plan Implementation

Meeting called to order 2:35 PM by Winnie Lewis.

Approve minutes of 5/11/2010 meeting

Motion to approve – Richard Mais

Second – Todd Smallwood

All in favor to approve minutes. Minutes approved.

### **Discussion and Possible Action**

#### **Draft Annual Report to State of Delaware**

Members reviewed the draft document noting that Town Manager Abbott has requested information be included/inserted in the document. Members will review final draft on 7/13/2010 and recommend it to Council on 7/25/2010 for their approval. Report is due at State office 7/31/2010.

### **Liaison Reports**

- Jack Smith (Growth & Seasonal Population) - Noted that the Town continues to enforce the 12-person per night ordinance
- Richard Mais (Emergency Services) – Nothing to report
- Winnie Lewis (Housing and items concerning Overlay and Pedestrian Plan) – The C&O Committee will begin its review of Zoning Ordinances
- Lois Twilley (Recreation) –Parks and Recreation Advisory Group met on 6/7/2010 to continue its discussions on ideas for providing recreational opportunities and preserving open space. Member Bill Biddle created a map showing possible locations of benches. Members will revisit the map and explore sites for low-level safety lighting, safety concerns, scenic overlook and photo opportunities. Notes from the 6/7 meeting were distributed to Commissioners (copy attached).
- Todd Smallwood (Safety) – Public Safety Building Committee has narrowed down respondents to the recent Architectural and Engineering Services RFP. He expects an announcement to be made at the Council meeting on 6/25.
- Susan Klein (Environment) – Mrs. Klein reported that the Environmental Committee met to discuss a possible grant to plant trees on open space property located on Cannon Street. This is a possible land acquisition for the Town to be used as a Trail head/kayak launch.
- Phil Craig (Zoning & Building and Green Building Standards) – Not present; no report.

### **Old Business**

Winnie Lewis made note that there has been a question regarding the Planning Commissions' activities. There is an impression that the group is inactive and is not

working in support of the Comprehensive Plan document. Mrs. Lewis respectfully suggested that people are not reading the Planning Commission minutes posted on line nor the report presented monthly to Council

### **Next Meeting Date**

Tuesday July 13, 2010 @2:30 PM

### **Committee Reports and Possible Action**

#### **Cultural and Historic Preservation Sub-committee – Review of status as a sub-committee**

A proposal was placed before the commission to dissolve the Cultural and Historic Preservation Sub-committee and to recommend to Council that it consider guidelines that will follow “sympathetic” design principles. Agnes DiPietrantonio gave background information regarding the Historic Preservation aspects of the planning document for members who were not a part of the original planning group. A full transcript of the discussion can be heard at [www.fenwickisland.delaware.gov](http://www.fenwickisland.delaware.gov).

Motion to accept recommendation #1 Efforts were/are being made to promote an awareness of the rich cultural heritage of the town and of the entire area previously known as Fenwick Island, Maryland and Fenwick Island, Delaware. This Planning Commission recommends that these efforts might be better accomplished by a group of citizens from the area who could form an independent entity outside the auspices of the governing body of The Town of Fenwick Island. The Town will continue to contribute to the group by hosting access to digital recording of photos and written/oral histories as well as by featuring this content on its Facebook page. The Town, further, will continue to cooperate with Sussex County and the State of Delaware in its preservation efforts. – Richard Mais  
Second – Lois Twilley

### **DISCUSSION**

Dr. Kim Grimes objected to the proposal saying that she believes this action is a “done deal” and that the sub-committee’s efforts are not appreciated. Winnie Lewis reiterated that Council did not want to form a Historic Society but that the Planning Commission formed this sub-committee. Mrs. Lewis added that she believes that the Town’s budget is tight. She also expressed her belief that the current sub-committee is more and more taking on the responsibility of an historical society. Mrs. Lewis believes this group should merge with the Fenwick Island Lighthouse in some fashion and, down the road, establish a museum. Dr. Grimes objected that this action would cut out support for the sub-committee’s planned activity for this summer.

Richard Mais withdrew his motion.

Cathy Stump objected to recommendation #2 stating that she had no knowledge of this aspect of the planning document. She had a different understanding of the purpose of the sub-committee. Dr. Grimes believes these actions to be abrupt and wants to continue with the events. Dr. Grimes noted that Town Clerk DiPietrantonio refused to turn over the photos in the Town’s possession to her. Mrs. DiPietrantonio disagreed with Dr. Grimes noting that a discussion continued after the sub-committee’s meeting adjourned at which time Mrs. DiPietrantonio advised Dr. Grimes that the photos and other artifacts were given to the Town

and that she would share the photos with the group as Dr. Grimes offered to provide a flash drive to download them. Mrs. DiPietrantonio stated further that Dr. Grimes requested the photos by 6/15 and Mrs. DiPietrantonio offered that she would try to get them ready to download but that time and staffing are tight at Town Hall. Mrs. DiPietrantonio also noted that, after the meeting adjourned, all members present offered their resignations from the sub-committee. Dr. Grimes believes that, although the photos were given to the Town, they actually were given to the "Fenwick Island Historical Preservation Committee."

Mrs. DiPietrantonio offered further insight into the sub-committee's activity/inactivity as they related to a planned budget, the use of a town purchased memory stick for recording oral histories, and finalizing plans for a summer project. She added that the sub-committee did not offer solid plans nor a budget and that it is now too late as the Council has completed its budget process. Todd Smallwood advised that the budget is not final and asked how much money the group would need. Agnes DiPietrantonio advised that 6 posters cost \$65 each last year. Winnie Lewis asked if the group has been included in any budget discussions; Todd Smallwood advised that he is unaware of any budget allocations to the sub-committee. Mr. Smallwood supports building a museum. He offered to approach Council at its next meeting for funds for the sub-committee's summer activity.

Susan Klein requested clarification on the statement made by Agnes DiPietrantonio that all the members of the sub-committee offered their resignations. Dr. Grimes advised that it seemed to be a reaction to the news and that it appears that they would want to carry on under a different name. Todd Smallwood asked for clarification on dissolution of the sub-committee; he asked if this was being done in order to have them form a town committee that would be on par with other town committees. Winnie Lewis advised that the intention was that the dissolved sub-committee would form an independent historic society not under town government. Agnes DiPietrantonio added that, if the group chose not to become an independent entity, it could petition Town Council to become a Town Committee. Richard Mais noted that he did not think that Council did not want a Historic Commission but that the Planning Commission took it upon themselves to create the sub-committee. Winnie Lewis advised that Town Council did not want a Historic Commission and that they did not want a "pattern book." She advised that the Planning Commission established this sub-committee to get a start on cultural and historic preservation efforts and to gauge interest. She noted that it may be time now for the group to go out on its own so that they can get on with their efforts to establish a museum. This would encompass all of Fenwick Island not just the incorporated Fenwick Island. The effort is bigger than a sub-committee for just showing old photos.

Dr. Grimes asked that the Planning Commission not end its relationship with the sub-committee today but to wait until the end of August. She hopes for continued support from the town. Winnie Lewis noted that this committee does not need to be dissolved today but that the group is on its own for support as the Town cannot give staff support to the effort. Richard Mais asked if Agnes DiPietrantonio would continue to take minutes; Mrs. DiPietrantonio will continue to take notes for the Planning Commission and any other sub-committee or advisory group that is attached to the Planning Commission. Town committees take their own notes.

The members agreed to discuss the issue after the sub-committee concludes its activity in August at which time the Planning Commission may encourage the sub-committee to become independent. This will be on the agenda in September.

Motion to request Council give \$500 to the sub-committee – Richard Mais

Second – Susan Klein

Discussion – Todd Smallwood will request at the next council meeting.

Vote – all in favor

*Regarding Recommendation #2 – We further recommend that Town Council make every effort to consider the cultural and historic setting of an area when being developed/redeveloped. We ask that Town Council adopt guidelines intended to set forth the best practices for the treatment of historic properties. For property owners, residents, contractors, and design professionals, the guidelines will provide direction in planning projects sympathetic to the special character of the Town. For Planning Commission members, the guidelines will offer a basis for evaluating proposed changes. In reviewing applications, the Planning Commission/Town Council/Board of Adjustments will consider the property itself, the street context within which it is located, and the special character of the entire area - Planning Commission refused to take action.*

#### DISCUSSION

If this recommendation does not meet the Planning Commission's needs, Agnes DiPietrantonio suggested that the Planning Commission consider an amendment to the plan document now or wait until the 5-year review to reconsider this item. Susan Klein noted that the Planning Commission should be a part of the building permit process at some point and that this should be addressed.

#### **Public Participation**

None outside of the previous discussion

Motion to adjourn – Richard Mais

Second – Lois Twilley

All in favor

Meeting adjourned 3:40 PM

Respectfully submitted,

Agnes DiPietrantonio TOFI Recorder

Parks and Recreation Advisory Group

June 7, 2010

3:00 PM at Town Hall

Present: Lois Twilley, Janet Hess, Bonnie Sheppard, Bill Biddle, Marilyn Simpler

Absent: Winnie Lewis

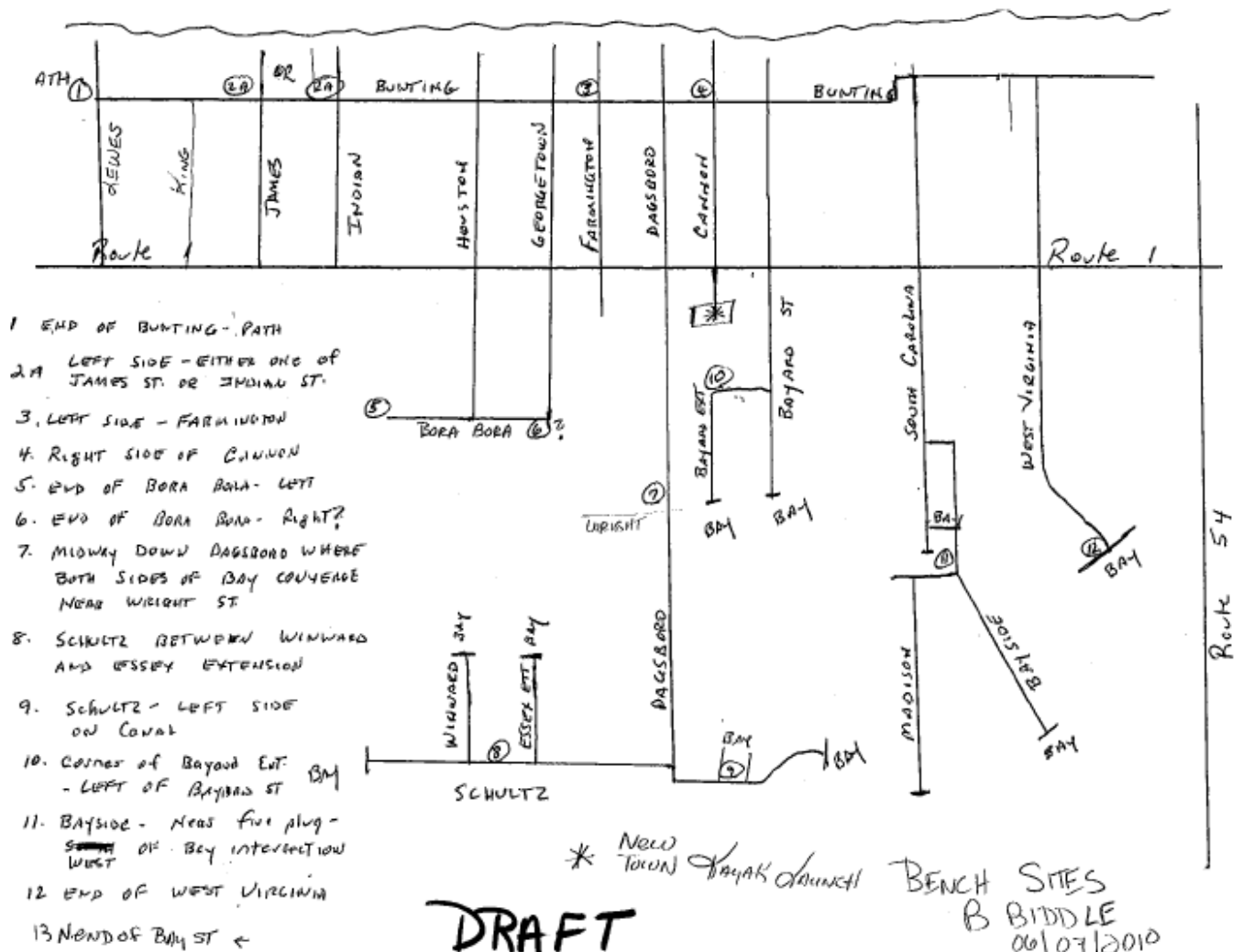
Meeting called to order at 3:00 PM by Planning Commissioner Lois Twilley.

Purpose of this advisory group: to identify areas that might lend themselves to open space preservation and to identify other possible opportunities for recreational and park use/activity.

- Identification of areas/properties within the Town which lend themselves to preservation as park/open space(s)
  - Bill Biddle presented a map with possible bench locations cited
    - Assumption that the Town has a “right of way” at these locations in which to place the benches
    - Benches can be removed at Public Works discretion during the winter months
    - Noted that the garden club is interested in planting in the beach end area
      - no firm plans – possible partnering opportunity
      - encourage them to enhance the area around the bench?
    - Possible funding mechanisms:
      - “memorial” benches
      - Sponsorship
      - Town pays
  - Kayak launch on Cannon St
    - Place a picnic bench in the area
    - Utilize tree stumps (some trees will need to be removed) as “checkerboards” or other type of game board
    - Consider recommendation to Council that this might be used as a possible “emergency” launch for small boat to be maintained by FIPD for search and rescue efforts
  - Relocation of basketball court to Cannon St
    - Place next to town public works facility so as not to interfere with neighbor
- Signage to make residents and visitors aware of current and future recreational facilities
  - “Bali H'ai” former G. Schulz properties on bayside
  - Oyster Bay
  - Pittsburg and Delaware Beach
  - “scenic overlook” or “photo op” signs to identify significant areas bayside (benches will be located there)
- Using public comment(s) or creating opportunities for public comment regarding recreational opportunities – Planning Commission would request Council's indulgence if they so choose
  - Solicit comment on town web site
  - Other ways to engage the public
- Encouraging physical activity within the Town of Fenwick
  - Walking Tour
    - Update current C&HP walking tour to include areas of interest
    - Split tour up into oceanside and bayside making two separate tours
    - Benches as rest stops along the way
  - Sidewalks and pedestrian plan – what is the status of the Town's request to DelDot?
  - Encourage walking
- Accommodating physical activity within the Town of Fenwick
  - Safety Concerns
    - Possible to make Bunting Ave one-way?
    - Survey Bunting Ave residents at some point

- “Homework” – revisit “bench” plan to identify places that might require additional lighting and/or other safety concerns. Think long-term and don’t discard any idea because it may appear to be outrageous.

Transcribed from notes by Agnes DiPietrantonio



Regarding the Status of the Cultural and Historic Preservation Sub-committee Presented to the Planning Commission of The Town of Fenwick Island – June 8, 2010

As per the stated goals of the Comprehensive Plan, a recommendation was made to establish a Cultural and Historic Preservation Commission. Town Council discouraged the formation of a Commission and so empowered the Planning Commission to form a sub-committee to carry out certain goals of the plan pertaining to preservation efforts.

- Definitions to be considered:

**Cultural Resources:** Tangible and intangible assets that help make a given community special. These resources range from events, organizations, historical elements, districts, people and specific sites.

**Historic Resources:** Tangible and intangible assets of historical value. These resources range from events, organizations, historical elements, districts and specific sites.

**Incentives:** Motivators that attract individuals to comply with certain guidelines. Incentives can be utilized to attract developers and ensure they comply with certain development guidelines as required by a governing body.

- Two scenarios were proposed:
  - The redevelopment of older beach cottages was mitigated through new historic and cultural resource preservation measures and residential design guidelines. Incentives were created to preserve the cottages as a part of residential redevelopments. The design of new residences was also influenced to minimize their bulk and mass, along with other considerations.
  - Another possible scenario suggests that developers will be looking to acquire older, low-density properties in order to replace them with larger structures and higher density configurations, thus maximizing the value and return on investment of the lot. Examples of this practice can be seen in town in the form of large structures built to the maximum size allowed by zoning. While this practice raises home values and positively contributes to the economy, it begins to change the scale of historic town development patterns while also changing the overall community character. The 2000 US Census notes that approximately 25 percent of Fenwick Island's housing stock was constructed before 1960, making these houses eligible for consideration as historic structures. In 2007, the Town estimated this same number at 16 percent. While the US Census may have been slightly inaccurate, this decrease in older homes may also be a sign that redevelopment of residential lots is replacing aging structures. A historic structures inventory has not been completed by the State Historic Preservation Office.

**Issue:** Approximately 16 percent of the Town's housing stock was built before 1960, making several houses eligible for historic structure review.

**Goal:** Residential structures are an important contribution to the Town's character. Residences constructed before 1960, if deemed to have historical significance, should be preserved.

**Objectives:**

2.7 Complete a Historic and Cultural Resources Inventory.

- Create a Cultural Resource and Historic Commission.
- Work with the State Historic Preservation Office to update inventory review for state and local significance

Regarding the formation of a Commission, the Planning Commission formed a sub-committee to:

- Assess interest in preservation efforts
- Inventory/identify properties that might be eligible for historic status
- Promote educational efforts
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An inventory was conducted by the Town in concert with the State of Delaware Historic Preservation Office. No structures were identified by the State Office as having historic significance as per their guidelines.

### **A new focus for Fenwick Island**

As stated in The Plan:

“The new floor area provisions cap house size at 7500 square feet, or 70 percent of the total lot area, whichever is less. While the desire to maximize financial gain through redevelopment is certainly understandable, the impact of redevelopment projects on Fenwick Island’s overall character can be detrimental.

Redevelopment projects should continue to be closely monitored for their consideration of community character and impact on cultural and historic resources, and additional building design restrictions may be a tool to further preserve community character through redevelopment.”

**Issue:** The community is at risk of losing potential historic and cultural resources as redevelopment becomes more prevalent.

**Goal:** Certain structures, such as the older beach cottages, are an important component of the Town’s character and should be considered in redevelopment scenarios.

### **Objectives:**

4.3 Create incentives to preserve the older beach cottages and other historic and cultural resources.

**Issue:** The larger community is also at risk of losing potential historic and cultural resources as redevelopment becomes more prevalent in unincorporated Fenwick Island.

### **Objectives:**

4.4 Establish intergovernmental agreements to enable joint planning for the area surrounding incorporated Fenwick Island.

- Create a historic overlay district with incentives to protect and enhance the Fenwick Island Lighthouse in any potential redevelopment.
- Initiate redevelopment by engaging the property owners in a collaborative and open planning process.

4.5 Cooperate with Sussex County to work with the State Historic Preservation Office to review and update its list of potential resources in both unincorporated and incorporated Fenwick Island.

### **Commercial Architectural Character**

The commercial area of Town generally consists of one- to two-story masonry structures oriented towards SR 1. The earliest buildings were constructed in the late 1950s and early 1960s. Several buildings of architectural significance exist. While they may or may not be eligible for historic resource inventory, they are iconic and contribute to the Town’s diverse architectural character. Examples include: Warren’s Station (located between Indian and Houston Streets), the Sands Motel (located between James and Indian Streets), the Fenwick Medical Center and Seaside Country Store (located between



Georgetown and Farmington Streets), and the Fenwick Village (located between West Virginia Avenue and Maryland Avenue).

### ***Redevelopment***

As a result of its popularity as both a tourist and residential destination, and the associated increase in property values that has followed, Fenwick Island has seen a significant amount of redevelopment over the past couple decades. Much of this redevelopment has occurred on residential lots, but there have been recent indicators that commercial properties may be redeveloped in the near future as well. In many instances, redevelopment projects have created new structures that often do not meld with the Town's cultural and historic character. The Town has taken steps to guide future redevelopment projects; however, it is suggested that additional guidelines and regulations be developed to help both residential and commercial redevelopment projects enhance Fenwick Island's community.

### **Recommendations**

1. Efforts were/are being made to promote an awareness of the rich cultural heritage of the town and of the entire area previously known as Fenwick Island, Maryland and Fenwick Island, Delaware. This Planning Commission recommends that these efforts might be better accomplished by a group of citizens from the area who could form an independent entity outside the auspices of the governing body of The Town of Fenwick Island. The Town will continue to contribute to the group by hosting access to digital recording of photos and written/oral histories as well as by featuring this content on its Facebook page. The Town, further, will continue to cooperate with Sussex County and the State of Delaware in its preservation efforts.
2. We further recommend that Town Council make every effort to consider the cultural and historic setting of an area when being developed/redeveloped. We ask that Town Council adopt guidelines intended to set forth the best practices for the treatment of historic properties. For property owners, residents, contractors, and design professionals, the guidelines will provide direction in planning projects sympathetic to the special character of the Town. For Planning Commission members, the guidelines will offer a basis for evaluating proposed changes. In reviewing applications, the Planning Commission/Town Council/Board of Adjustments will consider the property itself, the street context within which it is located, and the special character of the entire area.

These recommendations have been made at a meeting of the Planning Commission on June 8, 2010. The Planning Commission membership accepted the motion to adopt and approve recommendations #1 and #2 as following:

Motion to accept Recommendation #1:

Second:

Discussion:

Vote:

Motion to accept Recommendation #2:

Second:

Discussion:

Vote:

Motion to present findings to Town Council:

Second:

Discussion:

Vote:

Respectfully submitted,  
Winnie Lewis, Chair  
The Town of Fenwick Island Planning Commission  
June 8, 2010